

IN THE CIRCUIT COURT OF JASPER COUNTY, MISSOURI  
AT CARTHAGE

STATE OF MISSOURI, ex rel.,	)	
JEREMIAH W. (JAY) NIXON, ATTORNEY	)	
GENERAL OF MISSOURI, and	)	
	)	
the CITY OF CARTHAGE, Missouri,	)	
a Missouri Municipal Corporation,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Case No.
	)	
RENEWABLE ENVIRONMENTAL	)	
SOLUTIONS, L.L.C.	)	
	)	
Defendant.	)	
	)	
Serve: Corporation Service Company	)	
d/b/a CSC-Lawyers Incorporating	)	
Service Company	)	
221 Bolivar Street	)	
Jefferson City, MO 65101	)	

**PETITION FOR INJUNCTIVE RELIEF TO ABATE A PUBLIC NUISANCE**

COME NOW plaintiffs, the State of Missouri, at the relation of Jeremiah W. (“Jay”) Nixon, Attorney General of Missouri, and the City of Carthage, Missouri, a Missouri Municipal Corporation, and for their petition against Renewable Environmental Solutions, L.L.C., state as follows:

1. Jeremiah W. (Jay) Nixon is the duly elected, qualified and acting Attorney General for the State of Missouri.

2. The Attorney General is authorized to institute, in the name of and on behalf of the State, all civil proceedings at law or in equity necessary to protect the rights and interests of the State pursuant to § 27.060, RSMo.

3. The City of Carthage, Missouri, a Missouri Municipal Corporation, is a Home Rule city located in Jasper County, Missouri.

4. Defendant, Renewable Environmental Solutions, L.L.C. (hereinafter “RES”) is a joint venture of Changing World Technologies, Inc. and Con-Agra Foods, Inc. RES is an active foreign limited liability company registered with the Missouri Secretary of State. RES operates an agricultural waste processing plant at 530 N. Main Street, Carthage, Missouri (“the plant”). The plant employs a thermal conversion process to convert agricultural and animal wastes to oil, gas, minerals and fertilizer for sale. Upon information and belief, the majority of the waste materials handled by RES originates at the Con-Agra Food, Inc. turkey processing facility, which is adjacent to RES’ Carthage processing plant.

5. Since construction of the RES plant, it has emitted and continues to emit excessively odorous compounds.

6. Defendant causes, permits and allows the emission of excessive odors to emanate from the processing plant continuously on an intermittent basis.

7. The operation of the processing plant and associated waste storage and handling activities causes and continues to cause odorous compounds to be emitted in such concentrations, durations and frequencies that it unreasonably interferes with the use and

enjoyment of private and public property in and around the community of Carthage, Jasper County, Missouri. The odorous emissions from the processing plant are offensive to neighbors and the general public and, based on information and belief, threaten the public comfort, safety, peace and welfare of the general community.

8. The odors emanating from the RES plant can be controlled and or treated, but RES has not, to date, implemented the controls necessary to do so. RES has unreasonably failed to implement available odor control solutions and air quality protections.

9. RES, not the public, should bear the burdens and costs associated with its animal waste processing plant.

10. The operation of the processing plant, which causes, allows and permits the emissions of disagreeable odors, is a public nuisance.

11. Venue in this action is proper pursuant to § 347.069.2, RSMo, in that the public nuisance alleged herein has occurred and continues to occur in and around Carthage, Jasper County, Missouri.

12. Plaintiff does not have an adequate remedy at law.

13. The unlawful acts of the defendant are of such a continuing nature, and such conscious disregard for the protection of the people of the State of Missouri, the citizens of Carthage, Missouri and the citizens of Jasper County, Missouri, that plaintiffs believe that the public nuisance will persist unless the defendant is restrained by the Court.

WHEREFORE, plaintiffs pray that this Court will find and declare that the odors emanating from RES' animal waste processing plant is a public nuisance and order that the nuisance be abated, order RES to pay the plaintiffs' costs and expenses in this matter, and grant such further relief as this Court deems just and proper.

Respectfully submitted,

JEREMIAH W. (JAY) NIXON  
Attorney General

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